

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12193, of David and Ida Friedman, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 and Section 7109, to change a non-conforming use from retail sales of tires and auto parts, to retail sales of tires, auto parts and used cars in the R-4 District on the first (1st) floor of the premises at 432 N Street, N.W., Lot 857, Square 513.

HEARING DATE: September 15, 1976

DECISION DATE: September 28, 1976

FINDINGS OF FACT:

1. The subject property is located in a R-4 District.
2. The existing non-conforming use, i.e. retail sales of tires and auto parts, is a Class II type of non-conforming use.
3. The Certificate of Occupancy of the non-conforming use has been limited to the first (1st) floor of the existing structure on the lot. The proposed change involves the intensification of the non-conforming use as well as its expansion in the area.
4. The Lot 857 which is the subject of this application, is only 20 feet wide, and the total street frontage is occupied by the existing structure.
5. The ingress and egress of the used cars to the rear of the Lot 857 is not possible from the street without involving adjoining property.

CONCLUSIONS OF LAW AND OPINION

Based upon the above Findings and Fact, the Board is of the opinion that the requested change of the existing non-conforming use from retail sales of tires and auto parts to retail sales of tires, auto parts and used cars would adversely affect, the present and proposed character of the area. It is therefore ORDERED that the above application be DENIED.

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VOTE: 3-0 (Leonard L. McCants, Esq., William F. McIntosh,
William S. Harps to DENY, Ruby B. McZier, Esq.,
and Lilla Burt Cummings, Esq., not voting.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Arthur B. Hatton
ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 12/12/76